IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.761 OF 2007
IN
SUIT NO.234 OF 1998

Pashima Co-op Housing Society Ltd. ...Plaintiffs

Versus

Subhash Amolakchand Gandhi & Ors. ...Defendants

And

Ebrahim F. Patanwalla & Ors. ...Applicants

Shri D.J.Khambata, Sr Advocate with Shri R.I.Chagla and Shri R.S.Doctor i/b Federal Rashmikant for the original Plaintiffs.
Shri R.M.Nakhwa with Vasant Dhawan for the Applicant in support of Chamber Summons.
Shri Kishore Jain i/by Tushar Goradia and Bhavik Manek for the Defendant No.1.

CORAM : ABHAY S.OKA, J.
DATED : AUGUST 22, 2007.

P.C.:

1. The learned senior counsel appearing for the Plaintiffs states that the decree which may be passed in Suit No.234 of 1998 in relation to Plot 6A shall not bind the Applicants. The learned senior counsel for the Plaintiff states that this statement is made without prejudice to the rights of the Plaintiffs to take appropriate proceedings against the Applicants if occasion arises.

2. In view of the aforesaid statements, the learned

counsel for the Applicants seeks permission to withdraw the Chamber Summons with liberty to file appropriate proceedings for establishing the right of the Applicants.

3. Accordingly, Chamber Summons is dismissed as withdrawn with liberty as prayed. All contentions of the parties to this Chamber Summons in the proceedings, if any, which may be filed by the Applicants are expressly kept open.

JUDGE